

FILED AA

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

2019 NOV 18 A 11:38

Alexandria Division

UNDER SEAL
(Pursuant to Local Criminal
Rule 49 and Fed. R. Crim. P. 6(e))

GRAND JURY CASE NO. 10-GJ-3793

Case No. 1:19-dm-50

GRAND JURY NO. 19-3

UNOPPOSED MOTION TO UNSEAL

The United States hereby moves to unseal specific filings in the above-captioned case. Jeremy Hammond has appealed the finding of civil contempt that was made against him in open court for his refusal to testify before the grand jury. In light of that finding in open court, as well as Hammond's appeal of that finding, there is no longer any need to keep under seal the documents listed below, because unsealing them will not reveal any matter occurring before the grand jury (in addition to the already-public fact that Hammond has been held in contempt for refusing to testify before the grand jury). Unsealing the documents will facilitate the ability of the United States Court of Appeals to consider Hammond's appeal and issue its decision.

The specific documents to be unsealed are the following:

- Dkt 2— Order, September 10, 2019
- Dkt 3— Letter to the Court, August 21, 2019
- Dkt 4— Government's Response in Opposition to Motion for an Order to Show Cause
- Dkt 10 — Order, September 11, 2019
- Dkt 12 — Order, September 12, 2019
- Dkt 14 — Order, October 10, 2019
- Dkt 15 — Notice of Appeal

In addition, to provide public access to matters that occurred in connection with this litigation, but that do not need to be protected pursuant to Fed.R.Crim.P. 6(e) - - and while still protecting matters occurring before the grand jury (other than the already-public fact that Hammond has been held in contempt for refusing to testify before the grand jury) - - we ask the Court to direct the Clerk to file on the public docket the attached documents, supplied with this motion, that have been redacted from the following documents previously filed under seal:

- Dkt 1 — Motion and Memorandum of Law in Support of an Order to Show Cause as to Why the Government's Writ Summoning Testimony and this Court's Immunity Compulsion Order Should Not be Quashed, Stayed, or Vacated
- Dkt 20 — Transcript of Hearing, September 12, 2019
- Dkt 21 — Transcript of Hearing, October 10, 2019
- Dkt 24 — Objections to Compelling Mr. Hammond's Testimony Before the Grand Jury and Motion for a "Just Cause" Hearing

The government also requests that the Court unseal the Order Granting the Application for Compulsion Order for the testimony of Jeremy Hammond, entered on August 20, 2019, as well as the transcript of the hearing in this matter that occurred on September 11, 2019. Neither the order compelling testimony nor the transcript of the hearing on September 11, 2019, appear on the docket that was generated for this matter by the Clerk in connection with Hammond's appeal. We request the Court direct the Clerk to generate a revised docket, including those matters.¹

Finally, we request that the Court unseal this motion for the unsealing order, and the proposed order filed herewith.

Documents filed in all other docket entries should remain under seal until further order of the Court.

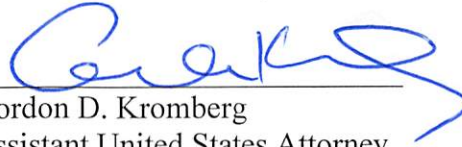
¹ Generation of the complete docket in connection with this matter was difficult, at least in part because of the procedure in the Clerk's Office, by which sealed documents could not be released to the parties absent an order of the Court.

The government has conferred with counsel for Mr. Hammond, who stated that they do not oppose this motion.

For the foregoing reasons, the government requests that the Court enter the attached order granting this Motion to Unseal.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney



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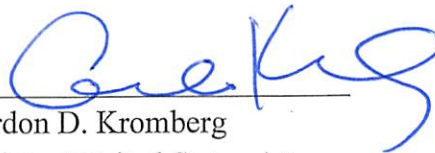
CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November 2019, I caused the foregoing document to be sent to the following via electronic mail:

Jeffrey Zimmerman, at jzimmerman@jeffreyzimmerman.com

Susan Kellman, at sgk@kellmanesq.com

Sarah Kunstler, at sarah.kunstler@gmail.com



Gordon D. Kromberg
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